

**UNITED STATE DEPARTMENT OF AGRICULTURE
RURAL DEVELOPMENT
BISMARCK, ND 58502**

September 23, 2004

SUBJECT: Eviction of SFH Borrowers or Tenants After Foreclosure or Voluntary Conveyance

TO: All Rural Development Offices in North Dakota

PURPOSE/INTENDED OUTCOME:

The purpose of this North Dakota Administrative Notice (AN) is to provide guidance to evict a Single Family Housing borrower or tenant from a dwelling.

COMPARISON WITH PREVIOUS AN:

This AN is issued to correct an error in the filing instructions on ND AN No. 1423 dated September 3, 2004.

IMPLEMENTATION RESPONSIBILITIES:

When Rural Development (RD) becomes the owner of a dwelling through foreclosure or voluntary conveyance, the appropriate Area or Local Office Director or Manager is responsible to determine if the former borrower or tenant is still occupying the dwelling.

The State Office will notify the Area or Local Office when RD becomes the owner after a foreclosure sale. The Area or Local Office will advise the State Office if the family is still occupying the dwelling RD now owns. In cases where there are no redemption rights, the State Office will send an eviction notice to the borrower to vacate the dwelling within 15 days.

EXPIRATION DATE:

September 30, 2005

FILING INSTRUCTIONS:

Appendix 7 of HB-2-3550

USDA Rural Development is an Equal Opportunity lender, provider, and employer. Complaints of discrimination should be sent to: USDA, Director, Office of Civil Rights, Washington, DC 20250-9410

The Area or Local Office will notify the State Office if the family is still occupying the dwelling after a voluntary conveyance is completed. The State Office will send a similar eviction notice giving the family 15 days to vacate.

If the family does not vacate, the Area or Local Office Director or Manager will complete the appropriate attached Affidavit. If RD obtained title pursuant to a foreclosure judgment, Attachment A will be completed as soon as the Marshal's Deed is recorded. If RD obtained title by voluntary conveyance from the Borrower, Attachment B will be completed as soon as the Warranty Deed is recorded. The Affidavit, along with the attachments, will be submitted to the State Office.

The State Office will submit the Affidavit and attachments to the United State Attorney, with copies sent to the Office of the General Counsel..

The United States Attorney and the United States Marshal will then assist the Area or Local Office with the eviction.

The United States Marshal may contact the Area or Local Office with further information on what needs to be done by RD and the United States Marshal's office to evict the borrower or tenant.

/s/ Clare A. Carlson
CLARE A. CARLSON
State Director

Attachment A
Attachment B

STATE OF NORTH DAKOTA
COUNTY OF (NAME)

AFFIDAVIT OF (NAME OF EMPLOYEE)

IN RE: (Former owner or tenant)

I, (Employee Name), having been duly sworn on oath, state the following:

That I am the (Title _____) for _____ County, North Dakota, for Rural Development, at its office located at _____, North Dakota. I have been employed by Rural Development since _____. I am responsible for the Rural Development loan programs in _____ County, North Dakota.

That (Former owner's name) real estate property was foreclosed on by the United States of America, acting through Rural Housing Service, United States Department of Agriculture, with judgment of foreclosure being entered on (Date). (Former owners name) was/were given redemption rights as applicable.

That Rural Development was the highest bidder at the foreclosure sale, and was issued the Marshal's Certificate of Sale on (Date).

That (Former owner name) did not redeem the property as provided by law.

The United States of America, acting through Rural Housing Service, United States Department of Agriculture, received the Marshal's Deed on (Date) and recorded it in the office of the Recorder, _____ County, North Dakota, on (Date) as document number _____. A copy of the Marshal's Deed is attached.

That (Former owner/tenant name) were written letters dated _____ to vacate the property by (Date).

That I have been advised by different parties who know (Former owner/tenant name) that they are still occupying the property, and have refused to vacate or remove their personal property. It was also noted by a recent inspection on (Date) that they are still occupying the property.

That I have attached copies of the following certificates, letters and deeds:

- A. Eviction letter dated _____
- B. Marshal's Report of Sale dated _____
- C. Order Confirming Sale dated _____

STATE OF NORTH DAKOTA)
)ss.
COUNTY OF (NAME))

AFFIDAVIT OF (NAME OF EMPLOYEE)

IN RE: (Former owner or tenant)

I, (Employee Name), having been duly sworn on oath, state the following:

That I am the (Title _____) for _____ County, North Dakota, for Rural Development, at its office located at _____, North Dakota. I have been employed by Rural Development since _____. I am responsible for the Rural Development loan programs in _____ County, North Dakota.

That (Former owner's name(s)) voluntarily conveyed their real estate property to the United States of America, acting through the Rural Housing Service, United States Department of Agriculture, on (Date).

The United States of America, acting through Rural Housing Service, United States Department of Agriculture, received the Warranty Deed on (Date) and recorded it in the office of the Recorder, _____ County, North Dakota, on (Date) as document number _____. A copy of the Warranty Deed is attached.

That (Former owner/tenant name) were written letters dated _____ to vacate the property by (Date).

That I have been advised by different parties who know (Former owner/tenant name) that they are still occupying the property, and have refused to vacate or remove their personal property. It was also noted by a recent inspection on (Date) that they are still occupying the property.

That I have attached copies of the following:

- A. Eviction letter dated _____
- B. Warranty Deed recorded _____

I know these copies to be true and correct copies of the original documents.

